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Calendar No. 529

101ST CONGRESS *2d Session*	SENATE	REPORT 101-278

CERTIFICATION OF DOCUMENTATION FOR THE VESSEL "PACIFIC PEARL"

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 2008

MAY 2 (legislative day, APRIL 18), 1990.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
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101ST CONGRESS
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101-278

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Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2008]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2008) to authorize a certificate of documentation for the vessel *Pacific Pearl*, having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF BILL

S. 2008, as reported, grants coastwise trading privileges to the vessel *Pacific Pearl*.

BACKGROUND AND NEEDS

Subject to certain limited exceptions, the law known as the Jones Act (section 27 of the Merchant Marine Act, 1920) and sections 12106 through 12108 of title 46, U.S. Code, provides that only those vessels built in the United States, continuously documented under the laws of the United States, and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade of the United States.

Where the facts applicable to a particular vessel suggest that the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading privileges for that vessel unless the requirements of the Jones Act and title 46 are statutorily waived.

The vessel *Pacific Pearl*, hull identification number MRY10161M76H414, is a 41-foot sailing vessel owned by Allen D.

Ezell of Hawaii. It was built in Largo, Florida. The owner intends to operate the vessel for passenger charter purposes in Hawaii.

Mr. Ezell purchased the vessel from First Interstate Bank, which took possession of the vessel from B.P.G. Corporation. B.P.G. Corporation is a U.S. corporation which filed for bankruptcy and defaulted on its boat payments to the bank. Neither Mr. Ezell nor First Interstate Bank has been able to procure a Bill of Sale for the B.P.G./First Interstate transaction. The Coast Guard requires that Bill of Sale as evidence of continuous ownership by a U.S. citizen before it can issue the necessary documentation, and thus the owner is seeking a statutory waiver of the Jones Act and title 46.

LEGISLATIVE HISTORY

S. 2008 was introduced on January 23, 1990 by Senator Inouye. In open executive session on April 3, 1990, the Committee considered S. 2008, and ordered the legislation reported favorably without objection and without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 12, 1990.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2008, a bill to authorize a certificate of documentation for the vessel *Pacific Pearl*. The bill was ordered reported by the Senate Committee on Commerce, Science, and Transportation on April 3, 1990. Enactment of S. 2008 would not result in any cost to the federal government or to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because S. 2008 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal

privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that, notwithstanding sections 12106, 12107, and 12108 of title 46, U.S. Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of the bill, the vessel *Pacific Pearl* hull identification number MRY10161M76H414, is eligible to engage in the coastwise trade, and the Secretary of Transportation may issue a certificate of documentation for such vessel.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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